

1 John Metsker, Esq., CA SBN 268977  
2 THE METSKER LAW FIRM  
3 P.O. Box 590881  
4 San Francisco, CA 94159  
5 Phone: 866-342-6180  
6 jmetsker@metskerlaw.com  
7 *Attorney for Plaintiff, Admitted Pro Hac Vice*

8 Tiffany Gayle Doctors, Esq., NV SBN 14363  
9 411 E. Bonneville Ave., Suite 410  
10 Las Vegas, NV 89101  
11 Phone: 702-382-2030  
12 tgd@weltlaw.com  
13 *Designated Resident Counsel for Plaintiff*

14 UNITED STATES DISTRICT COURT  
15 DISTRICT OF NEVADA

16 VALERY D. HUGINS,  
17 Plaintiff,

18 v.

19 COMMISSIONER OF SOCIAL  
20 SECURITY,  
21 Defendant.

Case No. 2:24-cv-00734-MDC

STIPULATION AND [PROPOSED]  
ORDER FOR THE AWARD OF  
ATTORNEY FEES PURSUANT TO  
THE EQUAL ACCESS TO JUSTICE  
ACT, 28 U.S.C. § 2412(d)

22 IT IS HEREBY STIPULATED by and between the parties through their  
23 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded  
24 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),  
25 in the amount of FOUR THOUSAND ONE HUNDRED EIGHTY THREE  
26 DOLLARS AND NO CENTS (\$4,183.00) and no costs or expenses under 28  
27 U.S.C. § 1920. These amounts represent compensation for all legal services  
28 rendered and costs incurred on behalf of Plaintiff, to date, by counsel in connection

1 with this civil action, in accordance with 28 U.S.C. §§ 2412(d) and 1920.

2 After the Court issues an order for EAJA fees to Plaintiff, the government  
3 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to  
4 Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), the ability to  
5 honor the assignment will depend on whether the fees, expenses are subject to any  
6 offset allowed under the United States Department of the Treasury's Offset  
7 Program. After the order for EAJA fees and expenses is entered, the government  
8 will determine whether they are subject to any offset.

9 Fees and expenses shall be made payable to Plaintiff, but if the Department  
10 of the Treasury determines that Plaintiff does not owe a federal debt, then the  
11 government shall cause the payment of fees to be made directly to John D. Metsker,  
12 pursuant to the assignment executed by Plaintiff. Any payments made shall be  
13 delivered to Plaintiff's counsel.

14 This stipulation constitutes a compromise settlement of Plaintiff's request for  
15 EAJA attorney fees and expenses, and does not constitute an admission of liability  
16 on the part of Defendant under the EAJA. Payment of the agreed amount shall  
17 constitute a complete release from, and bar to, any and all claims that Plaintiff  
18 and/or Plaintiff's counsel may have relating to EAJA attorney fees, costs and  
19 expenses in connection with this action.

20 This award is without prejudice to the rights of Plaintiff's counsel to seek  
21 Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset  
22 provisions of the EAJA.

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1 Respectfully submitted,

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3 Dated: December 9, 2024

/s/ John David Metsker  
JOHN DAVID METSKER  
Attorney for Plaintiff

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7 Dated: December 9, 2024

/s/ Michael J. Mullen\*  
MICHAEL J. MULLEN  
*\*As authorized via email on December 9, 2024*  
Special Assistant United States Attorney  
Attorney for Defendant

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11 **ORDER:** The stipulation is denied without prejudice.

12 28 USC 2412(b) allows the court to award reasonable attorneys' fees and expenses. For  
13 the Court to determine whether requested fees or expenses are reasonable, 2412(d)(1)(B)  
14 requires the party seeking fees to provide an itemized statement stating the actual time  
15 expended and the rate at which fees and other expenses were computed. The parties'  
16 stipulation does not include such statement. The parties may resubmit a corrected  
17 stipulation with the itemized statement required by Section 2412(d)(1)(B) and a statement  
18 that the parties believe the stipulated fees are reasonable. IT IS SO ORDERED.

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22 DATE: 12-11-24

  
MAXIMILIANO D. COUVILLIER, III  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is P.O. Box 590881, San Francisco, CA 94159. I am not a party to the above-entitled action. On the date set forth below, I caused service of STIPULATION AND [PROPOSED] ORDER FOR THE AWARD OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) upon the following individuals via CM/ECF:

Blaine T Welsh    blaine.welsh@usdoj.gov, CaseView.ECF@usdoj.gov,  
Danielle.Bleecker@usdoj.gov, allyson.beyer@usdoj.gov,  
angelina.villalpando@usdoj.gov, dionne.white@usdoj.gov,  
liam.pisan@usdoj.gov, maria.covarrubias@usdoj.gov,  
maritess.recinto@usdoj.gov, vera.minkova@usdoj.gov

Tiffany Gayle Doctors    tgd@weltlaw.com

Michael James Mullen    michael.j.mullen@ssa.gov, ogc.dinv@ssa.gov  
I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 9, 2024.

/s/ John David Metsker

JOHN DAVID METSKER

Attorney for Plaintiff